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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,134	03/12/2004	Ulf Schipper	A 91 937/Ir	7896

7590 02/10/2005

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EXAMINER

PHAN, HAU VAN

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/799,134

Applicant(s)

SCHIPPER, ULF

Examiner

Hau V Phan

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/12/2004, 7/30/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 3/12/2004 has been considered.

Abstract

3. The abstract of the disclosure is objected to because the phrase "for an implement is provided, and" should be deleted. Correction is required. See MPEP § 608.01(b).

Claim Objections

4. Claim 7 is objected to because of the following informalities: The reference character (16) should be enclosed within parentheses. Appropriate correction is required.

The claims are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-5 are alternatively rejected under 35 U.S.C. 102(b) as being anticipated by Reichert (2,606,770).**

Reichert in figures 1-3, discloses a foldable wheel for hand truck, which can be used as a guide cart comprising a frame (5) on which are disposed at least three wheels (as shown in figure 2) and a first strut (12) and a second strut (24) for effecting mounting of at least one of the wheels on the frame, wherein the first strut is rotatably mounted on the frame, and wherein for a mounting of the second strut on the frame at least two spaced-apart mounting points are provided.

Regarding claim 2, Reichert discloses the at least two mounting points, which are disposed on the second strut.

Regarding claim 3, Reichert discloses the second strut, which is in the form of a locking strip having a plurality of mounting points.

Regarding claim 4, Reichert discloses at least two mounting points, which are embodied as notches on the locking strip.

Regarding claim 5, Reichert discloses the notches, which are open toward a longitudinal side of the locking strip.

7. Claims 1-12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Sjoberg (4,155,527).

Sjoberg in figures 1-3, discloses a trolley with supporting stand, which can be used as a guide cart comprising a frame (1) on which are disposed at least three wheels (as shown in figure 2) and a first strut (4) and a second strut (8) for effecting mounting of at least one of the wheels on the frame, wherein the first strut is rotatably mounted on the frame, and wherein for a mounting of the second strut on the frame at least two spaced-apart mounting points are provided.

Regarding claim 2, Sjoberg discloses the at least two mounting points, which are disposed on the second strut.

Regarding claim 3, Sjoberg discloses the second strut, which is in the form of a locking strip having a plurality of mounting points.

Regarding claim 4, Sjoberg discloses at least two mounting points, which are embodied as notches on the locking strip.

Regarding claim 5, Sjoberg discloses the notches, which are open toward a longitudinal side of the locking strip.

Regarding claim 6, Sjoberg discloses the notches cooperate with a locking element that is spring-loaded in a direction toward a locked position.

Regarding claim 7, Sjoberg discloses the locking strip, which is mounted on a bolt that extends into slot of the locking strip.

Regarding claim 8, Sjoberg discloses the locking element, which is mounted on the frame so as to be rotatable about the bolt.

Regarding claim 9, Sjoberg discloses the locking element, which is disposed on a guide that spans the locking strip and that is mounted on the bolt.

Regarding claim 10, Sjoberg discloses a rotational movement of the locking element about the bolt, which is limited by a stop in a direction toward a locked position.

Regarding claim 11, Sjoberg discloses the frame, which is provided with a guide rod on an end of which that faces the wheels is disposed a frame section that extends approximately at right angles to the guide rod (as show in figure 3), and wherein the first and second struts are mounted on the frame section.

Regarding claim 12, Sjoberg discloses the second strut, which is rotatably mounted on the first strut at a pivot point (15).

Regarding claim 14, Sjoberg discloses a front wheel (3) and tow rear wheels (2), wherein the front wheel is held by the first and second struts.

Allowable Subject Matter

8. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sabin discloses a hand truck, English discloses a perambulator, Jones discloses a basket carrier, Reiter discloses a jack, Hulburt et al. disclose a dolly for moving columns.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 703-308-2084. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christ Ellis can be reached on 703-308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hau V Phan
Examiner
Art Unit 3618

Hau Phan
1/31/05

HAU PHAN
PATENT EXAMINER